



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Giorgio MARI et al.

Art Unit: TBD

Early Serial No.: 10/525,044

Examiner: TBD

Filed: February 18, 2005

Atty. Docket: P70417US0

Title: FILTER FOR THE DEPLETION OF LEUKOCYTES FROM BLOOD PRODUCTS

PETITION UNDER 37 C.F.R. §1.47 REQUESTING WAIVER OF 37 C.F.R. §1.64

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant, through its undersigned attorney, hereby submits this Petition under 37 C.F.R. §1.47 requesting waiver of the requirement of 37 C.F.R. §1.64 that each of the actual inventors execute the oath or declaration. For the reasons set forth herein, an extraordinary situation is presented and justice requires that signature of the declaration by each of the inventors be waived.

In this case, one of the original inventors, Dr. Alessandra Ori, has refused to execute a Declaration identifying herself as an inventor.

This application was originally filed identifying inventors Dr. Giorgio Mari, Dr. Paolo Verri and Dr. Alessandra Ori as the inventors. The application was accompanied by a Declaration and Power of Attorney signed by the inventors Mari and Verri, executed on February 10, 2005. A copy of the Declaration and Power of Attorney (the "Declaration") is attached as Petition Exhibit A.

An Assignment wherein each of Drs.. Mari and Verri assigned their entire rights in the application and invention to assignee, Fresenius Hemocare Italia S.r.l., is attached as Petition Exhibit B.

Filed separately herewith as Petition Exhibit C, are copies of the letters to Dr. Ori asking her to execute the Declaration and Assignment forms, in Italian, with an English translation, and a copy of a letter from Dr. Ori, in Italian, refusing to execute said forms and an English translation, and a cover letter from the Italian patent counsel for the Assignee identifying said documents.

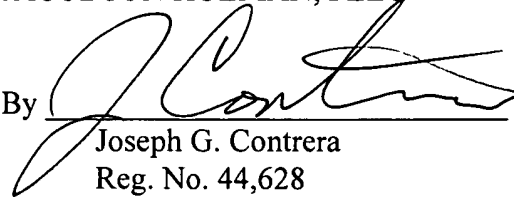
The last known address of the non-signing inventor, Dr. Ori, is Via Quattro Ville, 251/1 - 41010 Modena, ITALY.

For the reasons set forth above, it is respectfully requested that this Petition be granted and that Dr. Ori's signing of the Declaration be waived. A petition fee in the amount of \$130.00 is filed herewith by credit card payment (Form PTO-2038). If the amount provided is incorrect or if the Form PTO-2038 becomes detached, the Director is hereby authorized to charge the required fee, any additional fees, or credit any overpayments, to Deposit Account No. 06-1358.

Respectfully submitted,

JACOBSON HOLMAN, PLLC

By


Joseph G. Contrera
Reg. No. 44,628

400 Seventh Street, N.W.
Washington, D.C. 20004-2201
(202) 638-6666

Date:

Atty. Docket No. 13380/P70417US0
HBJ/JGC/

R:\SHARED\UGC\P70417US0 Petition for Nonsigning inventor 1.wpd

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UNITED STATES OF AMERICA - ASSIGNMENT

(1-6) Insert Name(s) of Inventors

-1 Giorgio MARI

-2 Paolo VERRI

-3 Alessandra ORI

-4

-5

-6

In consideration of the sum of one dollar (\$1.00), and other good and valuable considerations paid to each of the undersigned, the receipt and sufficiency of which are hereby acknowledged, the undersigned agree(s) to assign, transfer and set over to

-7 Insert Name of Assignee -7 FRESENIUS HEMOCARE ITALIA S.r.l.

-8 Insert Address of Assignee -8 of Via Santi 293, I-41032 CAVEZZO (Modena) Italy

-9 Insert Legal Entity and State or Country (e.g., a corporation or citizen of Japan) -9 a Corporation of Italy

(hereinafter designated as the Assignee) the entire right, title and interest for the United States, its territories, dependencies and possessions, in the invention known as

-10 Insert Identification of Invention, such as Title, Case Number or Foreign Application Number -10 "Filter for the depletion of leukocytes from blood products"

for which the undersigned has (have) executed an application for patent in the United States of America

-11 Insert Date of signing of Application, or filing date and Serial No., if known -11 Said application having been executed/filed on (and assigned Serial No.

1) The undersigned agree(s) to execute all papers necessary in connection with this application and any continuing or divisional applications and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

2) The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this or any continuing or divisional applications thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

3) The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Union for Protection of Industrial Property or similar agreements.

4) The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the assignee.

5) The undersigned hereby authorize(s) and request(s) the Commissioner of Patents and Trademarks to issue any and all Letters Patents of United States resulting from this application or any continuing or divisional applications thereof to the said Assignee, as Assignee of the entire interest, and hereby covenants that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute any agreement in conflict herewith.

6) Assignor hereby further assigns to Assignee all claims and causes of action for infringement of the patent rights assigned herein, including the right to sue for, and collect damages for, any and all acts of past and future infringement.

7) The undersigned hereby grant(s) the law firm of Jacobson Holman PLLC, 400 Seventh Street, N.W., Washington, D.C. 20004, the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

In witness whereof, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date February 10, 2005	Name of Inventor Giorgio MARI	(SEAL)
	typed name	signature
Date February 10, 2005	Name of Inventor Paolo VERRI	(SEAL)
	typed name	signature
Date	Name of Inventor Alessandra ORI	(SEAL)
	typed name	signature
Date	Name of Inventor	(SEAL)
	typed name	signature
Date	Name of Inventor	(SEAL)
	typed name	signature
Date	Name of Inventor	(SEAL)
	typed name	signature

This assignment should preferably be signed before a United States Consul if signed abroad, or a Notary Public if domestically signed. If not, then the execution by the inventor(s) should be witnessed by at least two witnesses who sign here:

☐ Additional inventors' names and signatures on a separate sheet.

Witness

Witness

LAW OFFICES OF
JACOBSON HOLMAN
PROFESSIONAL LIMITED LIABILITY COMPANY
THE JENIFER BUILDING
400 SEVENTH STREET, N.W.
WASHINGTON, D.C. 20004

Guido Jacobacci
Giuseppe Quinterno
Massimo Introvigne
Paolo Rambelli
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Enrico Riccardino
Petruzia Franceschini
Angelo Gerbino
Gabriele Borasi
Sergio Mulder
Francesco Serra
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Paolo Ernesto Crippa
Elena Comoglio
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Gianluca Pulieri

Laura Salti
Luca Gallo
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Giancarlo Belloni
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Jacobacci & Partners

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TORINO | MILANO | PADOVA | ROMA | BRESCIA | GENEVE | MADRID | ALICANTE

- raccomandata a/r -

DOTT.SSA ALESSANDRA ORI
VIA QUATTRO VILLE 251/1
41100 MODENA MO

FRESENIUS HEMOCARE ITALIA S.R.L.
C.a. DOTT. MARI, SIG.RA PERINELLI
VIA SANTI 293
41032 CAVEZZO MO

Torino, 16 Febbraio 2005
Ns. rif.: E053638 - PC451PR (si prega di citare) BEE-fl
Rif. Fresenius: F02/04IT-I08

Domanda di brevetto internazionale N. PCT/EP2003/009174 del 19 Agosto 2003
FRESENIUS HEMOCARE ITALIA SRL
FILTER FOR THE DEPLETION OF LEUKOCYTES FROM BLOOD PRODUCTS
(ITALIA N. TO2002A000736)

Gentile Dottoressa Ori,

Alleghiamo alla presente quattro moduli di procura e cessione in cui è richiesta la sua firma per il perfezionamento dei depositi nazionali in USA e Canada corrispondenti alla domanda di brevetto internazionale in oggetto.

La preghiamo di voler gentilmente sottoscrivere, come indicato a matita, i documenti di cui sopra e di volerli cortesemente restituire al più presto.

Ringraziandola, le porgiamo i nostri migliori saluti.

JACOBACCI & PARTNERS

P. Rambelli

All.: c.s. (solo alla Dott.ssa Ori)

Guido Jacobacci
Giuseppe Quinterio
Massimo Introvigne
Paolo Rambelli
Fabio Siniscalco
Enrico Riccardino
Patrizia Franceschina
Angelo Gerbino
Gabriele Borasi
Sergio Mulder
Francesco Serra
Silvia Lazzarotto
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TORINO | MILANO | PADOVA | ROMA | BRESCIA | GENEVE | MADRID | ALICANTE

- by returned registered mail -

DR. ALESSANDRA ORI
VIA QUATTRO VILLE 251/1
41100 MODENA MO

FRESENIUS HEMOCARE ITALIA S.R.L.
ATTN.: DR. MARI, MRS. PERINELLI
VIA SANTI 293
41032 CAVEZZO MO

Torino, February 16, 2005
Our ref.: E053638 - PC451PR (please quote) BEE-fl
Fresenius ref.: F02/04IT-I08

International patent application No. PCT/EP2003/009174 filed August 19, 2003
FRESENIUS HEMOCARE ITALIA SRL
FILTER FOR THE DEPLETION OF LEUKOCYTES FROM BLOOD PRODUCTS
(ITALY No. TO2002A000736)

Dear Dr. Ori,

Please find herewith enclosed four power of attorney and assignment forms to be signed by you in order to complete the filing of the national phases corresponding to the above cited International patent application in USA and Canada.

We kindly ask you to execute such documents and to send them back to us as soon as possible.

Thanking you in advance, we remain

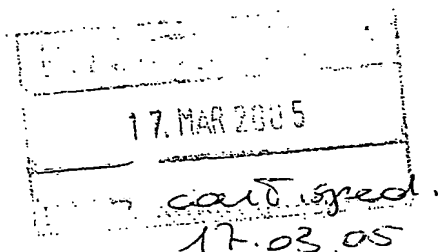
Yours faithfully,
JACOBACCI & PARTNERS

P. Rambelli

Encl.: as above (to Dr. Ori only)

BCC 40

Dr. Alessandra Ori
Via Quattro Ville, 251/1 - 41010 Modena



Racc. A.R. J&P Jacobacci & Partners
Corso Emilia, 8
10152 Torino
Torino Centro P.O. Box 321
10121 Torino

Modena, 14 Marzo 2005

Vs. rif.: E053638 - PC451PR BEE-fl

Oggetto: Vs. richiesta mia firma su moduli di procura necessaria per l'estensione all' estero della domanda italiana n° TO2002A000736 depositata il 21 Agosto 2002 " FILTRO PER LEUCOCITI E SUO IMPIEGO PER L'IMPOVERIMENTO DI PRODOTTI DEL SANGUE ... " a nome di Fresenius HemoCare Italia S.r.l.

La presente per informarVi che NON intendo firmare i moduli di procura citati in oggetto che pertanto Vi restituisco in allegato.

Cordiali saluti.

Alessandra Ori

A handwritten signature in black ink, consisting of a stylized 'A' followed by a circular flourish and a long horizontal stroke.

All.: moduli di procura in oggetto

Dr. Alessandra Ori
Via Quattro Ville, 251/1 - 41010 Modena

- by returned registered mail -

J&P Jacobacci & Partners
Corso Emilia, 8
10152 Torino
Torino Centro P.O. Box 321
10121 Torino

Modena, March 14, 2005

Your ref.: E053638 - PC451PR BEE-fl

Re: Your request for my signature on the power of attorney forms required for the foreign filing of the Italian patent application No. TO2002A000736 filed August 21, 2002 "FILTER FOR THE DEPLETION OF LEUKOCYTES FROM BLOOD PRODUCTS" in the name of FRESENIUS HEMOCARE ITALIA SRL

I hereby inform you that I DO NOT intend to sign the forms in re; therefore I am sending back to you the above forms.

Yours faithfully.

Alessandra Ori
signed (illegible)

Encl.: power of attorney forms in re